



Austin City Council MINUTES

AUGUST 24, 1995 - 1:00

1. Approval of Minutes for Special Called Meeting of August 16, 1995 and Regular Council Meeting of August 17, 1995.
Postponed to September 7, 1995, approved on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote, Mayor Todd absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mrs. Beverly Kimbrough, to discuss budget concerns.
Absent
3. Mrs. Dorothy Jackson, to discuss funding for senior citizen area in Bartholomew Park and to request that the City not charge non-profit organizations for use of rooms in Library. (City is now proposing a \$15.00 per hour charge for the use of these rooms.)
4. Mr. Ricky Bird, to discuss local government financing and social needs.
Absent
5. Mr. Gus Pena, to discuss revitalizing the economy in East Austin and concerns regarding proposed 1995-96 City of Austin budget; to inform Mayor & Council on youth issues in all of East Austin, Northeast, Central East and Southeast Austin.
6. Mr. Joe Quintero, to discuss public safety; discuss removal of the soup kitchen.
Absent
7. Mr. Richard R. Troxell, to encourage City Council to immediately budget for a cost effective comprehensive, detoxification, treatment, job training/job placement program to help Austin's homeless adult population work their way off the streets of Austin.
8. Mr. Robert L. Thomas, to discuss Rosewood Park.
9. Mr. Lance Winters, to discuss the inner workings of City Hall and how it affects the citizens of Austin; aspects of the office of the City Clerk.
10. Mr. Bob Larson, to discuss proposed tax raise and other issues.
Absent
11. Mr. Alan S. Drake, to discuss electric utility.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve execution of a contract with WHITE WAY SIGN, Chicago, Illinois, for the purchase, delivery, installation, and five (5) year warranty and full service maintenance for an electronic double-faced marquee system for the Austin Convention Center Department, in an amount not to exceed \$131,915. (Funding was included in the 1994-95 Capital budget of the Austin Convention Center Department.) Low bid of three (3). 0% MBE, 2.8% WBE Subcontractor participation.
Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

ORDINANCES

13. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Rialto Boulevard, Case No. C14-94-0113, from "CS", Commercial Services to "MF-2", Multifamily Residence (low density) and "RR", Rural Residence for the 100-year floodplain along the south property line, F.M. PROPERTIES OPERATING CO. (Ernest E. Howard), by Strasburger & Price, L.L.P. (David Armbrust). First reading on November 17, 1994; Vote 4-1, Councilmember Goodman voting "No", Mayor Todd absent, and Councilmember Mitchell out of the room. Second reading on July 27, 1995; Vote 4-3, Nofziger, Goodman and Shea voting "No". (The previous conditional overlay to impose S.O.S. requirements was removed at second reading.)
Postponed to September 7, 1995
14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2410 Cedar Bend Drive, Case No. C14-94-0173, from "LO", Limited Office to "LR-CO", Neighborhood Commercial-Conditional Overlay, zoning with the provisions of the overlay to prohibit access to Tomanet Trail; limit development to a density that will generate less than 870 vehicle trips-per-day; and subject to a 25' landscape and screening buffer between LR-CO and any residential zoning; AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska). First reading on June 1, 1995; Vote 7-0. Conditions met as follows: conditional overlay incorporates the conditions imposed by Council. A petition of 14.67% has been filed in opposition to this request.
Postponed indefinitely
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12201 to 12301 Tomanet Trail, 2312-2404 Cedar Bend Drive, Case No. C14-94-0174, from "SF-3", Family Residence to "LO-CO", Limited Office-Conditional Overlay, with the provisions of the overlay as follows: (1) to limit development to NO, Neighborhood Office site development requirements; (2) prohibit access to Tomanet Trail; (3) limit development to a density that will generate less than 700 vehicle trips per day; and (4) a 25 foot landscape and screening buffer between LO-CO and any residential zoning; AUSTIN DIAGNOSTIC CLINIC (Jon P. Sligh), by Bury & Pittman (Gregory S. Strmiska). First reading on June 1, 1995; Vote 5-0-2, Reynolds and Mitchell abstaining. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. A petition of 4.34% has been filed in opposition to this request.
Postponed indefinitely
16. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10922 to 10937 Jollyville Road, Case No. C14-94-0143, from "SF-2"

Single Family Residence (standard lot) and "LO", Limited Office to "GO-CO", General Office-Conditional Overlay, subject to (1) limit development to an intensity that will generate less than 2,000 vehicle trips per day; and (2) limit building height to 40 feet; and (3) to prohibit medical office uses. OSGOOD HEATING AND AIR CONDITIONING (Nancy Osgood), by Graves, Dougherty & Hearon (David Herndon). First reading on August 3, 1995; Vote 5-1, Goodman voting "No" and Todd absent. The applicant has requested that Council consider deleting one of the conditional overlay conditions that prohibits a medical office use.

Approve second reading, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 5-1 vote, Councilmember Goodman voting "NO", Mayor Todd absent.

17. Approve second/third readings to amend Chapter 13-2, Article V and Chapter 13-7-Article I of the Austin City Code of 1992, as amended (Land Development Code) relating to protection of water quality in the extraterritorial jurisdiction of the City of Austin; waiving the requirements of Section 13-1-981 regarding procedures for review and adoption of amendments to the Land Development Code; waiving the requirements of 2-2-3, 2-2-5 and 2-2-7 of the Austin City Code of 1992 as amended; and declaring an emergency.

Call the question motion, on Councilmember Shea's motion, Councilmember Nofziger's second, 4-2 vote, Councilmember Mitchell and Reynolds voting "NO", Mayor Todd absent.

Ordinance No. 950824-J approved, on Councilmember Nofziger's motion, Councilmember Shea's second, 4-1-1 vote, Councilmember Reynolds voting "NO", Councilmember Mitchell abstaining, Mayor Todd absent.

18. Amend the Austin City Code by modifying the Basic Traffic Ordinance Section 16-4-4 (D) Speed Limits, to lengthen the existing 20 mph school zone on Treadwell Boulevard for students attending Gullet Elementary School. (Funding in the amount of \$3,185 for the purchase and installation of electronic flashers is available in the 1994-95 operating budget of the Child Safety Fund.)

Ordinance No. 950824-A approved

19. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-4 (D) Speed Limits, to lengthen the existing 20 mph school zone on Wheless Lane for students attending Harris Elementary School. (Funding in the amount of \$1,105 for the purchase and installation of electronic flashers is available in the 1994-95 operating budget of the Child Safety Fund.)

Ordinance No. 950824-B approved

20. Approve out-of-district wastewater service by Davenport Ranch Municipal Utility District to a single family residence owned by Michael Dell at 3501 Cassava Drive (2 Living Unit Equivalents). (No fiscal impact.)

Ordinance No. 950824-C approved

21. Amend Ordinance 940912-E, the 1994-95 operating budget for the Aviation Asset Forfeiture Fund, by increasing appropriations by \$35,000 and decreasing the ending balance by \$35,000 for communication equipment and expenditures related to a narcotics conference. (Reviewed by Airport Advisory Board)

Ordinance No. 950824-D approved

22. Authorize acceptance of up to \$175,000 in grant funds from the Austin/Travis County Private Industry Council (PIC) for Child Care Voucher Services; amend Ordinance No. 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating \$175,000 in grant funds for the Health and Human Services Department Special Revenue Fund.

Ordinance No. 950824-E approved

23. Amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating an additional \$77,620 in grant funds from the Texas Department of Human Services, Child Care Management System (CCMS), for a total grant amount of \$9,568,123 in the Health and Human Services Department Special Revenue Fund. **(Related to Item 49)**

Ordinance No. 950824-F approved

Items 18 through 23 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

24. Amend Ordinance No. 940912-D, the 1994-95 Operating Budget by decreasing the Water and Wastewater Utility ending balance by \$150,000 and increasing the appropriation to the Water and Wastewater Utility operating budget by \$150,000 to fund a professional service agreement with George, Donaldson & Ford, L.L.P. **(Related to Item 28)**

Approve first reading only, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Councilmembers Mitchell and Reynolds voting "NO, Mayor Todd absent.

Central City Entertainment Center (Items 25-27)

25. Amend Ordinance No. 940912-E, the 1994-95 Capital Budget of the Parks and Recreation Department, transferring \$655,000 in reprogrammed Community Development Block Grant (CDBG) funds and reducing the amount of the U.S. Department of Housing and Urban Development (HUD) Section 108 loan by \$655,000 for the Central City Entertainment Center (CCEC) project. (This amendment has no net effect on appropriation for the project.) (Recommended by Housing Subcommittee)

Approve first reading only, on Councilmember Mitchell's motion, Councilmember Goodman's second, 4-1 vote, Councilmember Nofziger voting "NO, Councilmember Shea off the dais, Mayor Todd absent.

Motion made to table Item 25, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 4-0 vote, Councilmembers Shea and Nofziger off the dais, Mayor Todd absent.

Motion made to take item off table, on Councilmember Reynolds' motion, Councilmember Mitchell's second, 5-0 vote, Councilmember Nofziger off the dais, Mayor Todd absent.

Approve first reading only, on Councilmember Mitchell's motion, Councilmember Reynolds' second, 4-0-1 vote, Councilmember Shea abstaining, Councilmember Nofziger off the dais, Mayor Todd absent.

RESOLUTIONS

26. Authorize the reprogramming of \$900,000 from 14th, 18th and 19th Years' Community Development Block Grant (CDBG) funds to be utilized for interim predevelopment costs for the Central City Entertainment Center. (Funding is available from reprogrammed CDBG funds; \$59,562 from 14th Year CDBG; \$51,923 from 18th Year CDBG Administration; \$636,310 from 18th Year CDBG; and \$152,205 from 19th Year CDBG Administration. (Recommended by Housing Subcommittee)
Approved on, Councilmember Mitchell's motion, Councilmember Goodman's second 4-1 vote, Councilmember Nofziger voting "NO", Councilmember Shea off the dais Mayor Todd absent.
27. Authorize negotiation and execution of Phase III (construction documents, construction administration and warranty phase) services with CLOVIS HEIMSATH ARCHITECTS, Austin, Texas, for architectural professional services for the Central City Entertainment Center, in an amount not to exceed \$600,000, for a total contract amount of \$790,113.62. (Funding is included in the 1994-95 Amended Capital Budget of the Parks and Recreation Department.) 23% MBE, 18% WBE Subcontractor participation.
Approved on, Councilmember Mitchell's motion, Councilmember Goodman's second 4-1 vote, Councilmember Nofziger voting "NO", Councilmember Shea off the dais Mayor Todd absent.

Hold Item 27 until August 30, 1995 for third reading of Item 25.

28. Authorize the selection of the law firm of George, Donaldson & Ford, L.L.P., for a professional services agreement to represent the City in a challenge to SB 421 and related litigation issues, in an amount not to exceed \$150,000. (Funding is available in the 1994-95 Amended operating budget of the Water and Wastewater Utility.) [Related to Item 24]
Approved, but not operative until third reading on Item 24 on August 30, 1995, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Councilmembers Mitchell and Reynolds voting "NO", Mayor Todd absent.
29. Approve a Neighborhood Commercial Management Program (NCMP) Loan to Sergio and Marion Sanchez-Lozano dba Estilo Communications, for the purchase of a building located at 2700 South First Street, in an amount not to exceed \$53,300. (Funding is available in the 1994-95 Special Revenue Fund of the Planning and Development Department.) (Recommended by Housing Subcommittee)
Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 6-0, vote, Mayor Todd absent.

Austin-Bergstrom International Airport (Items 30-32)

30. Approve execution of a twelve (12) month service agreement with TEXAS COMMERCIAL FENCE, Austin, Texas, for the purchase, installation, relocation, and repair of fencing at Austin-Bergstrom International Airport, Robert Mueller Municipal Airport and other City locations, in an amount not to exceed \$227,000 with two (2) twelve (12) month extension options in amounts not to exceed \$177,000 and \$77,000 for the first and second extensions respectively, for a total amount not to

exceed \$481,000. [Funding in the amount of \$18,916.67 is available in the 1994-95 operating

budget of the Aviation Department. Funding for the remaining eleven (11) months and the extension options is contingent upon available funding in future budgets.] Low bid of four (4). 30% MBE, 0% WBE Subcontractor participation.

Pulled due to a bid protest

31. Approve a service maintenance agreement to TRAVIS PAVING COMPANY (MBE/MH), Austin, Texas, for on-call repair, reconstruction and maintenance of existing roadways and parking lots at Austin-Bergstrom International Airport, in an amount not to exceed \$246,000. (Funding in the amount of \$100,000 is available in the 1994-95 operating budget of the Aviation Department. Funding for the remainder of the contract is contingent upon available funding in future budgets.) Low bid of four (4). 24.10% DBE participation: 19.22% MBE, 4.88% WBE.

Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

32. Approve Change Order #3 to CHERRY DEMOLITION, Houston, Texas, for the removal/disposal of asbestos containing material as a part of the Demolition Package #2-A for the Austin-Bergstrom International Airport, in the amount of \$43,670, for a total contract amount of \$456,775.61. (Funding was included in the 1994-95 Capital budget of the Aviation Department.) No M/WBE Subcontracting opportunities were identified. (Reviewed by Airport Advisory Board)

Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 4-2 vote, Councilmembers Shea and Mitchell voting "NO".

33. Approve execution of a twelve (12) month service agreement with BROWNING-FERRIS INDUSTRIES, INC., Austin, Texas, for landfill disposal services of solid waste, in an amount not to exceed \$522,000 with two (2) twelve (12) month extension options in an amount not to exceed \$522,000 per extension, for a total amount not to exceed \$1,566,000. [Funding in the amount of \$43,500 is available in the 1994-95 operating budget of the Solid Waste Services Department. Funding for the remaining eleven (11) months of the contract and the extension options is contingent upon available funding in future budgets.] Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

Approved

34. Approve modification #1 of the reciprocal agreement with TEXAS DISPOSAL SYSTEMS, Austin, Texas, to increase the capacity at the City of Austin Landfill for disposal of solid waste, in the amount of \$166,000, for a total contract amount of \$332,000. (Funding in the amount of \$13,833 is available in the 1994-95 operating budget of the Solid Waste Services Fund. Funding for the remaining seven (7) months of the original contract is contingent upon available funding in future budgets. No M/WBE Subcontracting opportunities were identified.

Approved

35. Approve execution of a twelve (12) month supply agreement with CARDINAL HIGHWAY PRODUCTS CORPORATION, Round Rock, Texas, for the purchase of traffic signal heads for the Public Works and Transportation Department, in an amount not to exceed \$55,900 with two (2) twelve (12) month extension options in an amount not to exceed \$55,900 per extension, for a total amount not to exceed \$167,700. (Funding in the amount of \$4,658.33 is available in the 1994-95 operating budget of the Public Works and Transportation Department. Funding for the remaining eleven (11) months and the extension options is contingent upon available funding in future

budgets.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.

Approved

36. Approve execution of a twelve (12) month supply agreement with SIGNAL SALES CORPORATION, Port Washington, New York, for the purchase of traffic control cable for the Public Works and Transportation Department, in an amount not to exceed \$44,040 with two (2) twelve (12) month extension options in an amount not to exceed \$44,040 per extension, for a total amount not to exceed \$132,120. [Funding in the amount of \$3,670 is available in the 1994-95 operating budget of the Public Works and Transportation Department. Funding for the remaining eleven (11) months and the extension options is contingent upon available funding in future budgets.] Low bid of eight (8). No M/WBE Subcontracting opportunities were identified.

Approved

37. Approve execution of a twelve (12) month service agreement with M & M TRUCKING, (MBE/MH), Austin, Texas, to provide additional trucking services on street rehabilitation and reconstruction projects for the Street and Bridge Division, in an amount not to exceed \$336,550 with two (2) twelve (12) month extension options in an amount not to exceed \$336,550 per extension, for a total amount not to exceed \$1,009,650. [Funding in the amount of \$28,045.83 is available in the 1994-95 operating budget of the Transportation Fund. Funding for the remaining eleven (11) months and the extension options is contingent upon available funding in future budgets.] Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

Approved

Items 33 through 37 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 6-0, vote, Mayor Todd absent.

38. Authorize the negotiation and execution of an Interlocal Agreement with Wells Branch Municipal Utility District (MUD) which authorizes the City to draw water from the Wells Branch 24-inch Water Transmission Main for the purpose of improving water utility service to the FM 1825 Area. (No cost to City for the use of the Wells Branch 24-inch line.) [Recommended by Water and Wastewater Commission]

Postponed to September 7, 1995

39. Authorize the negotiation and execution of an agreement with Austin Three Points Land Partnership, Ltd., for construction of a 16-inch and 24-inch water main and other facilities needed for permanent water service within and near the Three Points Common Subdivision, with City cost participation for oversizing improvements of approximately \$25,000 and City cost reimbursement of approximately \$300,000. (Total project cost is estimated to be \$325,000. Cost participation, estimated at \$25,000 for oversizing, will be paid from the Water and Wastewater Utility's operating fund. Cost reimbursement estimated at \$300,000 will be paid from the Water and Wastewater Utility's operating fund in three annual installments commencing March 1st of the year following the year in which the improvements are accepted by the City. This amount will be included in future operating budgets.) (Recommended by Water and Wastewater Commission)

Postponed to September 7, 1995

40. Approve a construction contract award to AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for

drainage improvements to the Tannehill Branch of Boggy Creek, and drainage, wastewater and park improvements to Bartholomew Park, in the amount of \$986,429.60. (Funding in the amount of \$742,503.70 was included in the 1991-92 Capital budget of the Public Works and Transportation Department; \$213,925.90 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; \$30,000 was included in the 1994-95 Capital budget of the Parks and Recreation Department.) Low bid of three (3). 8.92% MBE, 4.63% WBE Subcontractor participation. (Recommended by Parks Board and Water and Wastewater Commission)

Approved

41. Approve a maintenance agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the operation and maintenance of the traffic signal at FM 734 (Parmer Lane) and McNeil Road, in the amount of \$1,000. (Funding is available in the 1994-95 operating budget of the Public Works and Transportation Department.)

Approved

42. Authorize execution of an Interlocal Agreement with the TEXAS REHABILITATION COMMISSION to permit construction of two (2) special van parking spaces on City right-of-way for use by Commission patrons. (No fiscal impact.)

Approved

43. Approve a construction contract award to MUNIZ CONCRETE AND CONTRACTING COMPANY, (MBE/MH), Austin, Texas, for drainage channel improvements between Jollyville Road and U.S. Highway 183, east of Pavilion Boulevard, for the Jollyville Drainage Channel project, in the amount of \$91,843.75. (Funding was included in the 1991-92 Capital budget of the Public Works and Transportation Department.) Low bid of seven (7). 16.33% MBE, 0% WBE Subcontractor participation.

Approved

44. Approve the selection of five professional engineering firms: RAYMOND CHAN & ASSOCIATES, INC., (MBE/MA), Austin, Texas; RESOURCE MANAGEMENT, INC., Austin, Texas; ESPEY HUSTON & ASSOCIATES, INC., Austin, Texas; CAMP DRESSER & MCKEE, INC., Austin, Texas; LOOMIS & ASSOCIATES, INC., Austin, Texas, for negotiation and execution of five professional services agreements to provide general stormwater management engineering rotation list services for a variety of drainage, water quality, and erosion projects for an undetermined period, in the amount of \$1,000,000. (Funding was included in the Capital budgets of various departments for which services are provided.) Best qualification statements of sixteen (16). Raymond Chan & Associates, Inc.: 10% MBE, 5% WBE; Resource Management, Inc.: 15% MBE, 10% WBE; Espey Huston & Associates, Inc.: 10% MBE, 5% WBE; Camp Dresser & McKee: 10% MBE, 5% WBE; Loomis & Associates, Inc.: 10% MBE, 5% WBE Subconsultant participation.

Approved

Items 40 through 44 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

45. Approve the issuance of a Letter of Intent and a rebate to the Jefferson at McNeil Apartment Complex, located at 6263 McNeil Drive, for the installation of energy efficient gas combination furnaces, in the amount of \$66,625. Installation of this equipment will save an estimated 1,504 MCF

(thousand cubic feet of gas) at a program cost of \$44.00 per MCF saved. (Funding is available in the 1994-95 operating budget of the Environmental and Conservation Services Fund.)
[Recommended by Resource Management Commission]

Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 5-1 vote, Councilmember Mitchell voting "NO", Mayor Todd absent.

46. Approve the release of approximately 12,500 acres of land in the vicinity of Manor from the City's extra territorial jurisdiction (ETJ) pursuant to SB 1397. (No fiscal impact.)

Approved

47. Approve an Interlocal Agreement with the Travis County Housing Authority (TCHA) for comprehensive education and employment services to at-risk youth in the Urban Youth Corps through September 30, 1996. [Estimated revenue of \$15,000. The City's Urban Youth Corps program is funded by Special Revenue Funds (grants) and the General Fund.]

Approved

48. Approve an Interlocal Agreement with the University of Texas, School of Social Work, for the operation of a field internship program to provide case management and parenting support to families at high risk for abuse or neglect, in the amount of \$40,319 for the period September 1, 1995 through June 30, 1996 with annual renewals contingent upon available funding. (Funding is available in the 1994-95 Special Revenue Fund of the Health and Human Services Department.)

Approved

49. Approve execution of a contract award to IPI GRAMMTECH, Austin, Texas, for thirty-three (33) Pentium computers with software and one-year warranty to upgrade the computer support system for the Texas Department of Human Services, in an amount not to exceed \$72,600. [Funding is available in the Health and Human Services Department Special Revenue Fund from the Texas Department of Human Services, Child Care Management System (CCMS)]. **(Related to Item 23)**

Approved

50. Approve negotiation and execution of a contract with COMPUTER UPGRADE CORPORATION, Corona, California, for the purchase and installation of an Optical Jukebox Storage System (provides storage of large amounts of data in support of mapping and imaging functions) for the Planning and Development Department, in an amount not to exceed \$82,712. (Funding is available in the 1994-95 operating budget of the Planning and Development Department.) Best proposal of eight (8). No M/WBE Subcontracting opportunities were identified.

Approved

51. Approve execution of a contract with CENTRON, Eden Prairie, Minnesota, for the purchase and installation of an IBM Ethernet Interconnect Controller and four (4) IBM Ethernet Networking Servers to upgrade the existing hardware used by the Utility Customer Service Office to provide the citizens of Austin with utility services, in an amount not to exceed \$130,001. (Funding in the amount of \$87,500 is available in the 1994-95 operating budget of the Utility Customer Service Office, \$42,501 is available in the 1994-95 operating budget of the Information Systems Department.) Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

52. Approve execution of a twelve (12) month supply agreement with MATRIX DATA, Cleveland, Ohio,

for the purchase of toner cartridges used in laser printers in City departments, in an amount not to exceed \$120,588 with two (2) twelve (12) month extension options in an amount not to exceed \$120,588 per extension, for a total amount not to exceed \$361,764. [Funding in the amount of \$10,049 is available in the 1994-95 operating budget of the various departments. Funding for the remaining eleven (11) months and the extension options is contingent upon available funding in future budgets.] Low bid of twelve (12). No M/WBE Subcontracting opportunities were identified.

Approved

53. Authorize the issuance of "City of Austin, Texas, Higher Education Authority, Inc., University Revenue Bonds (St. Edward's University Project) Series 1995".

Approved

Items 46 through 53 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

54. Approve the selection and authorize the negotiation and execution of a co-bond counsel replacement contract to RONQUILLO & DEWOLF, P.C., (MBE), Austin, Texas, to provide legal services associated with the City's general obligation bonds, with compensation to be based on hourly rates, to be negotiated. (Recommended by Audit & Finance Committee).

Approved on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Mayor Todd and Councilmember Nofziger absent.

55. Approve the creation of the Brackenridge Hospital Oversight Council abolishing the current Hospital Board, effective October 1, 1995 and abolishing the Austin Hospital Authority. (No fiscal impact).

Approve first reading only, with amendment by Councilmember Goodman that (H) Nothing in this ordinance impacts or lessens City of Austin and Seton state impose requirement for the provision of indigent care, Councilmember Shea's second, 4-1 vote, Councilmember Mitchell voting "NO", Councilmember Nofziger off the dais, Mayor Todd absent.

56. Authorize negotiation and execution of a Letter of Support for the Texas Health and Human Services Commission/Medicaid Office concerning participation in a health care delivery system under the State Medicaid program.

Approved

Items 55 and 56 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 6-0, vote, Mayor Todd absent.

57. Amend the Personnel Policies to revise the layoff policy.

Postponed to August 30, 1995

58. Approve execution of a contract amendment with PCA HEALTH PLAN OF TEXAS, Austin, Texas, for group medical coverage for employees and retirees through their managed care health maintenance organization (HMO), to increase the contract for 1995, in an estimated amount of \$275,000, for a total estimated annual amount of \$7,428,500.76, for a total contract amount of \$21,735,502.88. (Funding is available in the 1994-95 Employee Benefits Fund. Funding for the remaining balance of the 1995 contract is contingent upon available funding in the Proposed 1995-96 Employee Benefits budget.) 1.38% MBE, 0% WBE Subcontractor participation.

Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 5-0-1 vote, Councilmember Mitchell abstaining.

59. Approve execution of a contract amendment with PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, for basic life insurance and stop-loss insurance, to increase the contract for 1995, in an estimated amount of \$95,000, for a total estimated annual amount of \$925,000, for a total contract amount of \$2,557,000. (Funding is available in the 1994-95 Employee Benefits Fund. Funding for the remaining balance of the 1995 contract and the extension option is contingent upon available funding in future budgets.) No M/WBE Subcontracting opportunities were identified.
Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 5-0-1 vote, Councilmember Mitchell abstaining.

60. Set a public hearing to amend Title XIII (Land Development Code) of the Austin City Code of 1992 by 1) amending Section 13-2-221 to add Single-Family Residential and Duplex as permitted uses in the Central Business District, and Downtown Mixed Use, zoning districts; 2) amending Section 13-2-303 to add one accessory dwelling unit to commercial uses when occupied by persons engaged in the principal use and the dwelling area is not more than 50% of the building(s); 3) amending Section 13-2-731 (a) (1) (A) to waive compatibility standards for accessory dwelling units; and 4) amending Section 13-5-96 (C) to clarify there are no parking requirements for accessory uses. (Recommended by Planning Commission) [Suggested date and time: September 7, 1995 at 5:00 p.m.]
Approved

ITEMS FROM COUNCIL

61. Direct the City Manager to investigate the opportunities available and the procedures or process required to secure financial commitments in exchange for rights to certain advertisement, goods, or services in the Austin Convention Center Department. (Councilmember Ronney Reynolds)
Approved

Items 60 through 61 approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

62. Approve an ordinance waiving the 24 day filing requirement of Section 15-2-3(A) of the Austin City Code of 1992, as amended, for the closure of Trinity and Neches Streets between East 7th and East 8th Streets; waive the processing fees for street closure applications in the amount of \$100; discussion and possible action on future street closure changes. (Councilmembers Michael "Max" Nofziger and Brigid Shea)
Ordinance No. 950824-V approved, with an amendment not to close Trinity Street and to waive the \$100 processing fee for 4 weeks, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Mayor Todd and Councilmember Nofziger absent.
63. Amend Section 2-4-420 of the Austin City Code to permit a non-resident member on the Renaissance Market Commission. (Councilmembers Jackie Goodman and Michael "Max" Nofziger)
Ordinance No. 950824-I approved, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 5-0 vote, Mayor Todd and Councilmember Nofziger absent.

64. Direct the City Manager to prepare a plan to implement proposals of the Downtown Subcommittee to improve the downtown parking system. (Downtown Subcommittee)
Approved on, Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second 6-0, vote, Mayor Todd absent.
65. Status report from East Austin 2000. (Mayor Pro Tem Gus Garcia and Councilmember Eric Mitchell)
No action taken on this item

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

66. C14-95-0003 - A.G. SPANOS CONSTRUCTION CORP. (Barry Ruhl), by Gillingwater Properties (Barry Gillingwater), Spicewood Springs Rd. & Four Iron Dr. From SF-2 to SF-6. Planning Commission Recommendation: To Grant SF-6, Townhouse and Condominium Residence zoning, subject to the dedication of 60 feet of right-of-way from the existing centerline of Spicewood Springs Road. Further subject to: (1) provide a 35 foot building setback along Spicewood Springs Road; (2) provide a 40 foot buffer extending from Spicewood Springs Road to Four Iron Drive. (cont'd. from 6-22 & 7-20-95)
Approve first reading only, on Councilmember Mitchell's motion, Councilmember Shea's second 6-0 vote, Mayor Todd absent.
67. C14-94-0144 - FM PROPERTIES OPERATING CO. (Charles Holmes), by Strasburger & Price (David Armbrust), Southwest Parkway and Wier Hills Road. From P and I-RR to SF-2. Planning Commission Recommendation: To Grant SF-2 and RR.
Postponed to September 14, 1995
68. C14-95-0096 - FLOYD MARTINE, by TM Program (Dean Anderson), 2819 Rio Grande. From MF-3 to GO-MU. Planning Commission Recommendation: To Grant GO-MU-CO, General Office-Mixed Use Combining District-Conditional Overlay subject to the following conditions: (1) a maximum of 36 units per acre, and (2) a maximum of 15,000 square feet of gross floor area of Group Residential Use.
Ordinance No. 950824-K approved
69. C14-95-0063 - ED VIGIL, by Vigil & Associates (Hermann Vigil), 605 Deen Avenue. From SF-3 to GO. Planning Commission Recommendation: To Grant GO, General Office, zoning as requested.
Ordinance No. 950824-L approved
70. C14-95-0067 - SECURITY CAPITAL INDUSTRIAL (Roberta Ballantyne), by Locke, Purnell, Rain, Harrell (Jay Hailey), 8619, 8701 & 8801 Wall Street. From CS-CO to LI. Planning Commission Recommendation: To Grant LI, Limited Industrial Services, zoning subject to conditions listed in the transportation review memo dated July 18, 1995.
Ordinance No. 950824-M approved
71. C14-95-0081 - 34TH & WEST AVENUE INVESTMENT (Dr. Walter Reifslager), by Small, Craig, &

Werkenthin (James M. Nias), 717 West 35th Street. From SF-3 to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, zoning with the provision of the overlay to prohibit access to West 35th Street.

Ordinance No. 950824-N approved

72. C14-95-0082 - SOUTHWEST PARKWAY (John Byram), by Barry Campbell, Foster Ranch Road and Southwest Pkwy. From SF-5 (Tract 1, 2, 4 & 6) and RR (Tracts 3 & 5) to SF-2 (Tract 1, 3 & 5) and RR (Tracts 2, 4 & 6). Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot) for Tracts 1, 3 & 5, and RR, Rural Residence for Tracts 2, 4 & 6, as requested.

Ordinance No. 950824-O approved

73. C14-95-0084 - SOUTHWEST TURF (Charles W. Fritsch), by Barker Company (S. R. Barker), 4108 Nixon Lane. From SF-3 to LI. Planning Commission Recommendation: To Grant LI, Limited Industrial Services, subject to the dedication of up to 35 feet of right-of-way from the existing centerline of Nixon Lane.

Approve first reading only

74. C14-95-0085 - HUMBERTO REY, by Conrad Bejarano, 2908 Fruth Street. From MF-3 to CS-1-MU. Planning Commission Recommendation: To Grant CS-1-MU, Commercial Liquor Sales-Mixed Use Combining District zoning.

Ordinance No. 950824-P approved

75. C14-95-0086 - NICKELS-BELL TRUST (Don Bruhl), by City of Austin - Department of Transportation & Public Works (Sharron Walker), 1111 East Cesar Chavez Street. From LR & CS to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.

Ordinance No. 950824-Q approved

76. C14-95-0088 - ANTHONY R. & MILDRED L. BERTUCCI, by Daniel J. Cearley, 2705 Hoeke Lane. From DR to MH. Planning Commission Recommendation: To Grant MH, Mobile Home, zoning as requested.

Ordinance No. 950824-R approved

77. C14-95-0091 - W. M. CALLAWAY, by City of Austin - Department of Planning & Development, 6309 Cameron Road. From CS-1 to GR. Planning Commission Recommendation: To Grant GR, Community Commercial. zoning as requested.

Ordinance No. 950824-S approved

Items 67 through 77 approved on Councilmember Reynolds' motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea off the dais, Mayor Todd absent.

78. C14-95-0092 - SUE ANN MEYER, MARTIN E. & ROSA H. COX, by Carlson Engineering (Terry Reynolds), 1200 to 1300 West Slaughter Lane. From DR to SF-2. Planning Commission Recommendation: To grant SF-1, Single Family Residence (large lot) zoning.

Approve first reading only, on Councilmember Goodman's motion, Councilmember Nofziger's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

79. C14-95-0095 - MORTGAGE INSURANCE (Tod Woods), by Fisher Hagood, Inc. (John Nelson), 11207 to 11219 Taylor Draper Lane. From I-SF-2 to LO. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay, zoning with provision of the overlay to limit development to generate less than 2,000 vehicle trips per day.
Ordinance No. 950824-T approved, on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea off the dais, Mayor Todd absent.

TO BE HEARD BY PLANNING COMMISSION 08-22-95, RECOMMENDATION TO FOLLOW

80. C14-95-0090 - CHARLIE GOODNIGHT, by Michael Foster, 5638 West US Hwy. 290. From DR to GR.
Postponed to September 7, 1995 due to postponement by Planning Commission
81. C814-74-013.01 - LAKEWOOD PUD SECTION 5-B, by Resolution, Inc. (Lauretta Dowd), Lakewood Drive and Waldon Drive. PUD Site Plan Amendment.
Postponed to September 7, 1995 due to postponement by Planning Commission

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

82. 4:30 P.M. - Public hearing and approval of an ordinance amending Title X, Chapter 10-7, Non-Emergency Curfews, of the Code of the City of Austin, 1992, as amended, reflecting the results of a public hearing conducted in accordance with Chapter 370 of the Texas Local Government Code, providing an evidentiary presumption for the offense concerning parents and guardians providing for periodic reviews, waiving the provisions of Sections 2-2-3, guardians, providing for periodic reviews, waiving the provisions of Sections 2-2-3, 2-2-5 and 2-2-7 of the Code of the City of Austin, 1992 as amended and providing for an effective date.

Approved on, Councilmember Mitchell's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Nofziger off the dais, Mayor Todd absent.

Motion to reconsider, on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

Motion made by Councilmember Goodman to change expiration date to January 21, 1997 and semiannual review to begin July 1996, on Councilmember Mitchell's motion, Councilmember Shea's second 6-0 vote, Mayor Todd absent.

Ordinance No. 950824-W approved

83. 5:00 P.M. - Public hearing and final passage of Section 13-8-3 (s) of the Austin City Code (local amendments to the Building Code) by adopting the Model Energy Code 1993 edition and local amendments.

Motion to table, on Councilmember Shea's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Nofziger and Reynolds off the dais, Mayor Todd absent.

Ordinance No. 950824-G approved, on Councilmember Shea's motion, Councilmember Goodman's

second, 5-0 vote, Councilmember Reynolds off the dais, Mayor Todd absent.

CITY MANAGER REPORT

84. 5:30 P.M. - Status report on Holly Power Plant.

Presentation made by John Moore

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Pending/Contemplated Litigation - Section 551.071

85. Discuss City of Austin v. Curtis L. Delancey, et al., Cause No. 2178.

86. Discuss Rebecca Ruth Bradfield Heiser, et al. v. City of Austin, Cause No. 95-02525.

Real Estate - Section 551.072

87. Discuss the negotiations and possible real estate transactions related to the use and lease agreement with the airlines for Austin-Bergstrom International Airport.

Advice of Counsel - Section 551.072

88. Advice of Counsel regarding lease agreement of Brackenridge Hospital to the Daughters of Charity Health Services of Austin.

89. Discuss the negotiations and possible real estate transactions related to the use and lease agreement with the airlines for Austin-Bergstrom International Airport.

ACTION ON THE FOLLOWING

90. Amend Ordinance No. 8712-3-H to provide the current landowner with the right of a zoning site plan which owner did not previously have as a result of a clerical omission made in 1987.

Ordinance No. 950824-U approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

91. APPOINTMENTS

RENAISSANCE MARKET - SHERI BUDREAU

ROBERT MUELLER MUNICIPAL AIRPORT REDEVELOPMENT TASK FORCE - ROBERT MARTINEZ

URBAN FORESTRY - SALLY HARRIS

Approved, on Councilmember Nofziger's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd absent.

ADDENDUM

AUGUST 24, 1995 CITY COUNCIL AGENDA

92. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 900 E. Braker Lane, Case No. C14-95-0034, from "GR", Community Commercial to "CS-1", Commercial Liquor Sales, WALNUT RIDGE SHOPPING, by Fitzgerald's AKA Jamn' Production, (Jerry Jackson). First reading on June 1, 1995; Vote 4-1-2, Shea voting "No"; Goodman and Todd abstaining. Second reading on August 17, 1995; Vote 4-1-2, Shea voting "No,"; Goodman and Todd abstaining. Conditions met as follows: Restrictive covenant incorporating condition imposed by Council has been executed.
- Ordinance No. 950824-H approved, on Councilmember Nofziger, Mayor Pro Tem Garcia's second, 4-1-1 vote, Councilmember Shea voting "NO", Councilmember Goodman abstaining, Mayor Todd absent.

ADJOURNED at 9:00 p.m., on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 5-0 vote, Mayor Todd and Councilmember Nofziger absent.

Approved on this the 7th day of September, 1995, minutes of Special Called Meetings of August 16, 23 and 30 and regular Meetings of August 24, with change to item 32 (vote 4-2, with Mayor Todd absent), and to postpone approval of minutes of August 17, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 7-0 vote.